



01-14-04 Image \$ RCE 1652

PTO/SB/30 (09-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Request
for
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/753,143
Filing Date	January 2, 2001
First Named Inventor	Nathan Ellis
Art Unit	1652
Examiner Name	Kathleen M. Kerr
Attorney Docket Number	63475/263

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☒ Consider the arguments in the Appeal Brief or Rely Brief previously filed on November 20, 2003

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply (Preliminary Communication) iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s) iv. ☒ Other return receipt postcard

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 01-1785

i. ☐ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☒ Other Any required fee to preserve the pendency of the application

b. ☒ Check in the amount of \$ 440.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Alan D. Miller	Registration No. (Attorney/Agent)	42,889
Signature		Date	January 13, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below. Express Mail No. EL 996375364 US

Name (Print/Type)	Alan D. Miller	Date	January 13, 2004
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Dkt. No. 63475/263

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Nathan Ellis, James German, and Joanna Groden
Serial No.: 09/753,143
Filed: January 2, 2001
For: METHODS FOR DIAGNOSIS AND TREATMENT
OF BLOOM'S SYNDROME
Art Unit : 1652
Examiner : Kathleen M. Kerr

**PRELIMINARY COMMUNICATION AND
PETITION FOR A ONE MONTH EXTENSION OF TIME**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

"Express Mail" mailing label No. EL 996375364 US

Date of Deposit: January 13, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name: Alan D. Miller

Signature: 

A Final Office Action was issued in connection with above-identified application on September 26, 2003. On November 20, 2003, applicants timely filed an Amendment in Response to the September 26, 2003 Final Office Action. On December 24, 2003, an Advisory Action was issued indicating that applicants' November 20, 2003 proposed amendments will not be entered because they raise new issues that would require further consideration by the Examiner. Applicants herewith petition for a one month extension of time in which to file a Request for Continued Examination under 37 C.F.R. §1.114. The fee for a small entity for filing a Request for Continued Examination under 37 C.F.R. §1.114 is \$385.00 and the fee for a one month extension of time is \$55.00. Therefore, a

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Applicants : Nathan Ellis wt al.
Serial No. : 09/753,143
Filed : January 2, 2001
Page 2.

check in the amount of \$440.00 is enclosed. With a one month extension of time, the deadline for filing a Request for Continued Examination is January 26, 2004.

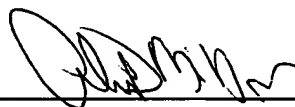
Accordingly, this Preliminary Communication and Request for Continued Examination are being timely filed.

No fee, other than the enclosed \$440.00 fee for filing a Request for Continued Examination (\$385.00) and Petition for a One Month Extension of Time (\$55.00) for a small entity, is deemed necessary with the filing of this response. However, if there are unanticipated fees required to maintain the pendency of this application, the PTO is authorized to withdraw those fees from Deposit Account 01-1785. Overcharges may also be credited to Deposit Account 01-1785.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP
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Dated: New York, New York
January 13, 2004

By: 
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